IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CENTRAL EXCISE APPLICATION NO.3 OF 2001

The Commissioner of Central Excise, Pune-I, Pune. .. Applicant

V/s

M/s. Bajaj Auto, Pune. .. Respondent

Shri. A.J. Rana, Sr. Counsel with Shri P.S. Jetly, for the Applicant.

Shri. Vishal Maheshwari i/b. Vegandhi Shah & Himayatullah for the Respondent.

CORAM : DR.S.RADHAKRISHNAN & J.P.DEVADHAR, JJ.

DATE : 10TH JANUARY, 2006.

P.C.:

1. Heard the learned counsel for the Applicant and the learned counsel for the Respondent. In the above application, following substantial questions of law raised :-

i. Whether the decision in the present case, based on the decision of M/s. Medley Pharmaceuticals Pvt. Ltd. Vs. CCE, Aurangabad reported in 1999 (114) ELT 248 (T) is correct on points of Law Viz. That the notice without making specific allegation of fraud, etc., cannot perse be that, under the

extended period ?

ii. Whether with the remand of the matter, the show cause notice will die its death (will not survive).

2. Both the learned counsel for the Applicant and the Respondents have fairly agreed that the above questions are squarely covered by the Supreme Court Judgment in **Collector of Central Excise, Jaipur Vs. Raghuvar (India) Ltd., 2000 (118) E.L.T. 311 (S.C.)**. In view of the decision, the question requires consideration. Hence, the application is allowed. The Tribunal is directed to send the statement of the case along with above question of law as expeditiously as possible. Application stands disposed of.

(DR.S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)